

EXHIBIT U

Katherine Doxey
December 16, 2019

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1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF NEW YORK

3

4 DENISE PAYNE,

5 Plaintiff,

6 INDEX NO.: 18-cv-1442

7 vs.

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9 CORNELL UNIVERSITY,

10 Defendant.

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13 This is the Examination Before Trial of

14 KATHERINE DOXEY

15 held on the 16th day of December, 2019, held at

16 Cornell University Counsel's Office, 235 Garden

17 Avenue, Ithaca, New York.

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23 REPORTED BY: CAITLYN A. SHAYLOR

24 Shorthand Reporter

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1 S T I P U L A T I O N S

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3 It is stipulated by and between the

4 parties hereto that the filing of the

5 deposition is waived; that the deposition

6 may be signed before any Notary Public;

7 and that all objections except as to the

8 form of the question are reserved to the

9 time of the trial.

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Katherine Doxey
December 16, 2019

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1 KATHERINE DOXEY
2 having been called as a witness,
3 having been duly sworn, was examined
4 and testified as follows:

5 EXAMINATION BY

6 MS. VINCI:

7 Q Good morning.

8 A Morning.

9 Q Or good afternoon.

10 A Afternoon, yes.

11 Q Can you state your name for the record,
12 please?

13 A Catherine Doxey.

14 Q Good afternoon, Ms. Doxey. We've met
15 previously, but --

16 A Uh-huh.

17 Q -- for the record, my name is Gabrielle
18 Vinci. I'm one of the attorneys representing Ms.
19 Payne, Denise Payne. Are you familiar with that
20 lawsuit at all?

21 A Yes.

22 Q Okay. When did you first learn about
23 that lawsuit?

24 A When -- I'm trying to think of the date.
25 It was probably March 2017, '18, I'm sorry.

1 Q That's okay. And how did you become
2 aware of that lawsuit?

3 A Informed by university counsel.

4 Q Okay. Have you spoken to anyone other
5 than university counsel about the lawsuit? Well,
6 strike that. Have you spoken to any other
7 Cornell employees besides university counsel
8 about Ms. Payne's lawsuit?

9 A Only status of where it was. Informing
10 my supervisors that I'd be out of office for
11 depositions, or --

12 Q Okay. And who did you discuss the status
13 of the lawsuit with?

14 A Shawn Moeller is the executive director
15 of HR for the College of Business. And Laura
16 Syer, the associate Dean.

17 Q When's the last time you talked to Mr.
18 Moeller about the lawsuit?

19 A This morning, just reminding him I was
20 going to be out of the office.

21 Q Have you had any conversations with Mr.
22 Moeller substantively about the lawsuit, about
23 the allegations in it?

24 A No.

25 Q Okay. And what about Ms. Syer, when's

1 the last time you spoke to her about the lawsuit?

2 A Honestly, probably when we went to
3 mediation.

4 Q Okay. And have you spoken to Ms. Syer
5 about the substance of Ms. Payne's lawsuit, the
6 allegations she's brought?

7 A Not since the mediation, no.

8 Q Prior to the mediation had you discussed
9 that with Ms. Syer?

10 A Probably only in counsel prep for that.

11 Q Okay. Have you ever spoken to Denise
12 about her lawsuit?

13 A No.

14 Q Have you seen any of the documents,
15 exchange and discovery in the lawsuit?

16 MR. PENCE: Object to form, but you
17 may answer.

18 A So I've reviewed the formal letters
19 involved in her case, so offer letters and layoff
20 letter, that kind of stuff.

21 Q Have you ever been deposed before?

22 A No.

23 Q So I'll go over some ground rules. Which
24 I will note you were at Ms. Payne's deposition.

25 A Uh-huh.

1 Q So they may seem repetitive to you, you
2 may recognize them from then. But the first rule
3 is we do have a court reporter here, she's taking
4 down all of the questions and answers. If you
5 can just keep all of your responses verbal so
6 that she can note it on the transcript. Also,
7 it's difficult to take down two people speaking
8 at once, so I just ask that you allow me to
9 finish my question before you start your answer,
10 and I will also allow you to finish your answer
11 before I start my next question. If at any point
12 in time I cut you off, just let me know. I don't
13 mean to. If at any point in time you don't
14 understand a question as I've posed it to you,
15 let me know and I will do my best to rephrase it
16 so that you can understand it and it is
17 meaningful to you. If you answer a question, I'm
18 going to assume you understood it as I asked it,
19 is that okay?

20 A That's clear, yep.

21 Q From time to time your attorney may note
22 his or her objection to one of my questions, just
23 allow your attorney to get his or her objection
24 out and then you will have to proceed and answer
25 the question, unless instructed otherwise. If at

1 any point in time you need to take a break, just
2 let me know. I don't anticipate we're going to
3 be here for an exorbitant amount of time at all,
4 but that being said, you can take as many breaks
5 as you need. I would just ask that you -- if a
6 question is open, you answer the question before
7 taking that break; is that okay?

8 A Yep.

9 Q What, if anything, did you do to prepare
10 for today's deposition?

11 A Looking through some policies, looking at
12 the formal correspondence to Denise, letters.

13 Q Okay. Which policies did you review, or
14 look through, I'm sorry?

15 A Yeah. So the flex arrangement, the
16 separations.

17 Q The separations?

18 A Yeah, separations from the university,
19 which covers layoffs.

20 Q When you say you looked through them, did
21 you read them line by line, did you skim them,
22 something else?

23 MR. PENCE: Object to form, but you
24 may answer.

25 A I'm familiar with them, so I'd say I

1 skimmed them.

2 Q Okay. And when did you skim through
3 these policies?

4 A Last week.

5 Q And the formal correspondence, is that
6 the offer letter you mentioned before?

7 A Yes. The offer letter when we originally
8 hired Denise, the offer letter to her most recent
9 general, and then the termination letter.

10 Q And did you also review those last week?

11 A Yes.

12 Q Did you speak to anybody in preparation
13 for your deposition today?

14 A Only counsel.

15 Q I don't want to know the substance of any
16 conversations you've had with counsel. When you
17 say counsel, who are you referring to speaking
18 to?

19 A Adam and Val.

20 Q Did you meet with counsel separately or
21 in -- together?

22 A Together.

23 Q And when did you meet with counsel to
24 prep for today's deposition?

25 A It was several sessions since we've

1 delayed a couple of times.

2 Q Yes.

3 A Most recent being last Thursday.

4 Q Besides yourself and counsel, was anybody
5 else in the room?

6 A No.

7 Q Are you aware that -- well, strike that.

8 Do you know a Lucinda Allen?

9 A I do.

10 Q Okay. Who is Lucinda Allen?

11 A She was the, I'm trying to think of her
12 title, director of administrative services for
13 hotel. So she was two layers above Denise. So
14 she was supervisor of Tammy Lindsay who was
15 Denise Payne's immediate supervisor.

16 Q Okay. Are you aware that Ms. Allen was
17 previously deposed in this case?

18 A Yes.

19 Q Did you speak to Ms. Allen about her
20 deposition?

21 A I did not.

22 Q Did you speak to Ms. Allen about your
23 deposition today?

24 A I did not.

25 Q Okay. Have you taken any medications,

1 either prescription or over the counter, in the
2 last 24 hours that would affect your ability to
3 testify today?

4 A Nope.

5 Q Have you taken any medications in the
6 last 24 hours, again prescription or over the
7 counter, that would affect your memory?

8 A No.

9 Q Sitting here today is there any reason
10 you can think of that you would not be able to
11 understand and answer my questions?

12 A No.

13 Q What's your highest level of education?

14 A Master's.

15 Q In what?

16 A Education.

17 Q And where did you earn your Master's?

18 A University of Rochester.

19 Q And when did you earn it?

20 A '87.

21 Q Do you hold any specialized
22 certifications or licenses?

23 A Senior professional in human resources,
24 SPHR.

25 Q SPHR, the acronym?

1 A Uh-huh.

2 Q And when did you earn that?

3 A 2003, I believe.

4 Q Okay. And do you have to take a course

5 for that, or go to a special school for that?

6 How do you earn that certification?

7 A It's an exam, but there are preparation

8 courses, which I did.

9 Q Okay. And where did --

10 A And --

11 Q Sorry, go ahead.

12 A Then you have to have so many credit

13 hours each year, or every three years you

14 recertify.

15 Q Where did you take the preparation

16 courses?

17 A University of Southern Maine.

18 Q Are you currently employed by Cornell

19 University?

20 A I am.

21 Q For how long have you been employed by

22 Cornell?

23 A 12 years.

24 Q What is your current position --

25 A Director --

1 Q -- title?

2 A -- of human resources for the College of

3 Business. Well, the branding people would not be

4 happy, the SC Johnson College of Business.

5 Q We won't tell them. How long have you

6 been the director of HR for the College of

7 Business?

8 A The college was formed in July 2016.

9 Prior to that I was HR director for Johnson

10 Graduate School of Management, which is one of

11 the schools that merged into the college.

12 Q How long have you held an HR position at

13 Cornell?

14 A 12 years.

15 Q Okay. How long have you been a director

16 of HR of any college of Cornell?

17 A Well, I've been at Cornell for 12 years.

18 Q Okay. Let me do it this way. Have you

19 always held a director of HR position at Cornell?

20 A I think officially I was manager when I

21 first started, so maybe director came in 2009 or

22 10.

23 Q And in your role as director do you

24 supervise any employees?

25 A I do.

1 Q How many employees are you currently
2 supervising?

3 A Three.

4 Q And is it -- do they all hold different
5 job titles, do you supervise a specific class of
6 jobs, or how does it work?

7 A So right now I supervise two HR
8 associates and one HR assistant.

9 Q And what are your duties as the director
10 of HR?

11 A So the people I supervise are what's
12 referred to as the operations team, and so they
13 are the first point of contact for all of our
14 clients. So I supervise initial interactions
15 with employees and -- and managers and I also do
16 the compensation and classification for the
17 college.

18 Q When you say you do the compensation and
19 classification for the college, what do you mean
20 by that? What do you do in that role?

21 A So any of our offers to candidates come
22 through me and I make the suggestion on what the
23 manager can offer as a starting point, any
24 requests for promotion or bonuses or those kinds
25 of things.

1 Q And when you say you suggest what can be
2 offered in an offer letter for a new position or
3 whatnot, does the manager have to accept what you
4 suggest or can he or she make a different
5 determination?

6 MR. PENCE: Object to form, but you
7 may answer.

8 A If they don't think the range I am
9 suggesting is reasonable, we discuss why. If we
10 don't agree then they can escalate that to my
11 boss or his boss.

12 Q Does HR, meaning anybody in the HR
13 department who's involved in this process, does
14 HR have the final say in what compensation is
15 offered to a new employee?

16 A Usually. Ultimately the dean has the
17 final authority on all decisions at the college.

18 Q You're familiar with Denise Payne,
19 correct?

20 A Uh-huh.

21 Q When did you first meet Ms. Payne?

22 A She was hired in August of 2015 as a
23 research aide in the business simulation lab. I
24 was not involved in her hiring; although, I
25 probably did an orientation with her as a new

1 employee.

2 Q What sort of things go -- are -- strike
3 that. What is involved in orientation for new
4 employees, what do they have to go through during
5 the orientation?

6 A It's a session where we talk about
7 benefits, you know, describe the different plans,
8 the observation, personal time, sick time at that
9 point. We review a couple of policies, we talk
10 about the history of the school at that point,
11 the structure of the school.

12 Q And I know you said you were possibly
13 involved in Ms. Payne's orientation, who
14 generally administers the orientation?

15 A So I did at the time. When she was
16 hired, it was myself and a couple of assistants.
17 Shortly after Denise started I hired Julie Weaver
18 as the assistant director, and from that point
19 forward she took over the orientation of new
20 employees.

21 Q Okay. Ms. Weaver is no longer with
22 Cornell, correct?

23 A No, she left.

24 Q Do you recall when she left?

25 A In June she moved to Virginia.

1 Q Okay. Do you know of 2019?

2 A Uh-huh.

3 Q Is that a yes?

4 A Yes, sorry.

5 Q It's just for the transcript.

6 A Uh-huh.

7 Q Sorry. Did somebody else assume the
8 assistant director role upon her departure?

9 A The position was filled, but we kind of
10 restructured, such that instead of having the
11 assistant directors be the initial point of
12 contact for all client groups and own -- sort of
13 speak to, you know, the school or department, the
14 assistant directors became specialists. So I
15 took on compensation and the replacement person
16 for Julie took on all academic HR issues.
17 Somebody else had employee relations and
18 recruiting, somebody else had labor.

19 Q So at the time that Ms. Payne was hired
20 in August of 2015 -- strike that. At the time
21 that Ms. Weaver was hired, what were her duties
22 as assistant director?

23 A So she was the person that employees and
24 managers would initially contact with questions
25 and she helped with some training and some

1 projects and recruitment.

2 Q Was part of her duties at that time to --
3 to listen to or to take any employee complaints?

4 A Yes.

5 Q Did there come a time that you learned
6 Ms. Payne was diagnosed with cancer?

7 A Yes.

8 Q And how did you learn that?

9 A She I believe told me by e-mail.

10 (EXHIBIT D MARKED FOR IDENTIFICATION.)

11 Q Ms. Doxey, I'm handing you what has been
12 marked as Plaintiff's Exhibit D. I'd just ask
13 that you review that and let me know when you've
14 had a chance to do so.

15 A Okay.

16 Q Okay. Do you recognize this document?

17 A I do.

18 Q Okay. Would you agree that the bottom,
19 the kind of starting e-mail from Denise Payne to
20 yourself copying Margaret Shackell is an e-mail
21 wherein she's telling you about her cancer
22 diagnosis?

23 A Yes.

24 Q Do you recall receiving this e-mail?

25 A I do.

1 Q And you appear to respond that you were
2 sorry to hear that and then also ask when she may
3 be available for a quick chat, do you see that?

4 A Uh-huh.

5 MR. PENCE: Object to the form. The
6 document speaks for itself.

7 Q Do you -- following this e-mail did you
8 meet with Ms. Payne?

9 A I did.

10 Q Okay. When did you meet with Ms. Payne
11 in response to this e-mail?

12 A I believe it was a few days after. I
13 don't recall the exact date, but --

14 Q Okay. All right. So -- this e-mail is
15 dated, or the last e-mail in this chain is dated
16 June 20th, 2016, so would it be a few days after
17 that?

18 A I don't recall specifically, but that's
19 about the time frame.

20 Q Okay. And where did you meet with Ms.
21 Payne at that time?

22 A In my office in Sage Hall, which would've
23 been 221, I believe at that time.

24 Q Was anybody else present?

25 A Julie Weaver was.

1 Q Did you ask Ms. Weaver to attend the
2 meeting?

3 A I did.

4 Q Why?

5 A Because she's the one who would typically
6 meet with employees around their short-term
7 disability and medical leave procedures.

8 Q And what did you, Ms. Weaver, and Ms.
9 Payne discuss during that meeting?

10 A Certainly her expected time away needs,
11 but we also were meeting to talk about other job
12 possibilities.

13 Q Okay. Why were you meeting with Ms.
14 Payne to speak about other job possibilities?

15 A She was working in the business
16 simulation lab, which was a part-time job at what
17 we call a C band. So the pay bands go from
18 lowest A, up to the highest I. And so Denise was
19 in a relatively entry level position, part time.
20 There were some issues with her and one of the
21 faculty members that frequently use that lab,
22 some friction there. I think new faculty coming
23 in were more interested in using the lab, but had
24 request to use different software that Ms. Payne
25 wasn't familiar with, so they were starting to

1 realize that perhaps they hired at the wrong
2 level. I knew there was some friction there, so
3 her supervisor Margaret Shackell-Dell (phonetic)
4 was talking to me about, you know, is there other
5 possibilities in the college, or in the school at
6 the time. It had already been announced at that
7 point that the three schools were going to be
8 merging into the College of Business, so I knew
9 that there was a possibility that other
10 opportunities would be there, so I wanted to talk
11 to her about what her interest was, what her
12 availability would be, whether she wanted to
13 think about a different option.

14 Q And were there specific roles or other
15 job positions, specific job positions that you
16 wanted to talk to her about, or were you trying
17 to just determine generally if she'd be
18 interested in taking another role?

19 A Both. So I knew that they were going to
20 form what they were calling at the time the
21 business analytics team, which had an opening.
22 This was a team that was basically dealing with
23 data for mostly academics, but also decision
24 making, kind of, support for the deans. And I
25 knew from my discussion with Margaret Shackell

1 that one of the reasons Denise took the part-time
2 job was she was going through school, I believe
3 she was getting her Master's in statistics, and
4 so it seemed like a possibly good fit for her,
5 that that might be a direction she wanted to go.

6 Q Did you speak to her about any other
7 positions at that time?

8 A I think we talked about the possibility
9 of faculty support had an opening; that's the
10 administrative pool that supports faculty needs
11 in the classroom. As I recall she has -- was
12 less excited about that.

13 Q Okay. What did Ms. Payne say when you
14 brought up, I don't want to say propose, but when
15 you discussed the potential opening with the
16 business analytics team, what was her reaction?

17 A She seemed excited about it and
18 definitely wanted to -- to continue to have
19 discussions.

20 Q At that time that you spoke to her about
21 that possible position, was there a set
22 understanding of what that position would be?

23 MR. PENCE: Object to form, but you
24 may answer.

25 A There certainly was no job description,

1 there was only a concept at the time. So it was
2 a general discussion, it wasn't here's the
3 duties, you know?

4 Q Okay. But did you discuss with Ms. Payne
5 what the general concept of what she would do in
6 that role would be?

7 A Yes.

8 Q Did you have any discussions with her at
9 that time about what the compensation for that
10 role would be?

11 A I don't believe at that meeting we got
12 into compensation.

13 Q Okay.

14 A Other than perhaps mentioning it's
15 probably a higher level role.

16 Q At that time of that meeting was there
17 also some understanding of what the compensation
18 for that role would be?

19 MR. PENCE: Object to form. You may
20 answer.

21 A Are you asking if I knew what it was, or
22 if I discussed it with Denise?

23 Q Well, you already said you don't recall
24 discussing it with Denise. Possibly mentioning
25 that it was a higher level, but nothing specific.

1 So I guess my question is did you or HR generally
2 have any understanding of what the compensation
3 for that conceptualized role would be?

4 MR. PENCE: Object to form, but you
5 may answer.

6 A In general, yes. From what I knew about
7 the role it sounded like a data analyst. It
8 sounded similar to another role we had, so, you
9 know, I knew it was going to probably be an E
10 band.

11 Q What role did it sound similar to?

12 A There were two other people in the
13 department that did similar things, one was part
14 time and one was actually vacant at the time, but
15 it was a data analyst.

16 Q Okay. Can you just explain the concept
17 of the pay bands to me?

18 A Uh-huh.

19 Q What the -- how you determine which band
20 is -- goes to which role?

21 A Uh-huh, sure. So each of the pay bands
22 has what we call generics, so there's a
23 description of duties and of the characteristics
24 that go into classifying a position. So it's
25 education, it's experience, it's decision making

1 authority, it's impacts of -- if an error was
2 made, how wide spread is that. It's who they
3 interact with inside the university or outside.
4 Whether they simply state the policy or they
5 interpret it or they create it, or they
6 negotiate. And so there's various different
7 factors that go into classifying each of the
8 positions.

9 Q Is it fair to say the more complex the
10 position, the higher the pay band?

11 A Yes.

12 Q Are the pay bands used for both hourly
13 and salaried employees?

14 A Yes.

15 Q Okay. Is there a difference in -- is
16 there a difference in determining which pay band
17 is going to be used for a certain role dependent
18 on whether it's going to be hourly or salaried?

19 MR. PENCE: Object to form, but you
20 may answer.

21 A The role is classified on the
22 characteristics of the position, and part of that
23 is what kind of decision making authority the
24 position has. So in general bands A through D
25 are all hourly; E roles are a mix, they can be

1 either exempt or non exempt; and then F and above
2 are typically exempt if they meet the salary
3 minimums.

4 Q All right. So going back to the meeting
5 you had with Ms. Payne. So you spoke about the
6 other job positions you discussed with her, and I
7 believe you also mentioned you discussed with her
8 at that time her expected time away?

9 A Uh-huh.

10 Q Okay. What did she say about what she
11 expected to need in terms of being away from the
12 college?

13 A I believe she said she'd have some
14 treatment and need to be out for a little bit.
15 She may have even had surgery that summer, but
16 would expect to -- to be back by, I believe, late
17 summer, early fall and so we had arranged for her
18 to meet with Cindy Allen once she was able to
19 come in and talk about the role.

20 Q How did you -- in what way did you
21 arrange for her to meet with Cindy Allen?

22 A It was virtual e-mail introduction.

23 Q Besides discussing her anticipated time
24 away or needed time away, did Ms. Payne discuss
25 anything more about her diagnosis during that

1 meeting?

2 A Not that I recall.

3 Q Okay. Did she -- do you recall any
4 discussion about possible accommodations at the
5 university?

6 MR. PENCE: Object to form, asked and
7 answered, but --

8 A Other than the time off she would need?
9 I don't recall at that point getting into
10 accommodations.

11 Q And at that time of Ms. Payne's cancer
12 diagnosis there was a policy at Cornell for
13 requesting disability accommodations, correct?

14 A Sure.

15 Q I'm going to show you what's been
16 previously marked as -- by all means take as much
17 time that you need to review it. My pretty much
18 one and only question is going to be have you
19 ever seen this before.

20 A Okay.

21 Q So I'll hand you what has been previously
22 marked as Defendant's Exhibit 3. Put this to the
23 side.

24 A Okay.

25 Q Okay. Have you reviewed Defendant's

1 Exhibit 3?

2 A Yes.

3 Q Have you ever seen this before?

4 A Yes.

5 Q You agree this is the disability

6 accommodation policy at Cornell?

7 A Yes.

8 Q Okay. At the time of Ms. Payne's

9 diagnosis, or when you found out about her

10 diagnosis, what was the process for requesting

11 disability accommodations at Cornell?

12 A The employee basically would need to

13 request of local HR or the medical leaves

14 administration.

15 Q When you say local HR, would that be

16 something that an employee could do through Ms.

17 Weaver?

18 A That's typically where it starts, yes.

19 And then there's an official form that goes to

20 the medical leaves administration.

21 Q Does an employee -- is an employee

22 required to request a specific type of

23 accommodation?

24 MR. PENCE: Object to form, but you

25 may answer.

1 A Yeah, I'm not sure what your question is.

2 Q So when an employee is seeking an
3 accommodation for a disability, is he or she
4 required to request I need a -- this specific
5 accommodation, or is it something other than
6 that?

7 A Usually specific to what they need.

8 Q Okay. Do you know if Ms. Payne met with
9 Ms. Allen regarding the potential data analyst
10 role?

11 A I believe they did, yeah.

12 Q How were you aware of that meeting?

13 A I believe I saw an e-mail exchanged
14 between them where Ms. Allen reached out to
15 Denise who said, yes, she'd like to meet.

16 Q Did you ever speak to Ms. Payne about
17 that meeting?

18 A I don't recall.

19 Q Okay. Did you ever speak to Ms. Allen
20 about that meeting?

21 A I don't remember the specific meeting,
22 but clearly she would've had to have agreed that
23 it seemed like a good match and she'd like to
24 hire her.

25 Q So was Ms. -- was Ms. Payne's assuming

1 that role, for her to take that role the data
2 analyst position, did Ms. Allen have to approve
3 of that?

4 MR. PENCE: Object to form.

5 A Yeah.

6 MR. PENCE: But you may answer.

7 A Yeah, I mean, as a hiring manager if she
8 didn't feel like the skills were a match we
9 wouldn't have put her there.

10 Q Okay. So is it fair to say -- strike
11 that. Did you and Ms. Allen speak about hiring
12 Ms. Payne before she was offered the data analyst
13 role?

14 A Yes.

15 Q Okay. Tell me -- well, how many times
16 did you speak to Ms. Allen about that?

17 A I'm not sure, one or two --

18 Q Okay.

19 A -- I'd say.

20 Q And what did you discuss specific about
21 Ms. Payne when you spoke to Ms. Allen about her
22 potentially assuming the data analyst role?

23 A What her needs were from the job, skill
24 level-wise. Whether Denise seemed to have the
25 potential to do the job, whether she could wait

1 the required time because Denise still was
2 working for the business simulation lab and so
3 she was going to phase out of that through the
4 fall, so the timing, you know, whether that would
5 work.

6 Q Okay. Did you and Ms. Allen -- well,
7 strike that. Ms. Payne was ultimately offered
8 the data analyst role, correct?

9 A Yes.

10 Q Did you and Ms. Allen prior to making the
11 offer to Ms. Payne discuss the compensation for
12 that role?

13 MR. PENCE: Object to form. You may
14 answer.

15 A Yes.

16 Q Okay. And what did you and Ms. Allen
17 discuss about what the compensation would be?

18 A In discussions with Ms. Allen and
19 separately with Laura Syer, who was ultimately
20 over this group and HR, we decided because it was
21 a two band jump, which is very unusual --
22 normally you would post these things, but because
23 we were in a reorg situation with the formation
24 of the college we had the flexibility to do some
25 of this kind of movement. But because she had

1 been in a C level position we didn't know exactly
2 what her skills and -- and abilities were. We
3 put her at the minimum of the band.

4 Q Okay. And what band was that, what was
5 the minimum?

6 A E, I don't remember exactly what the --

7 Q Okay.

8 MR. PENCE: Make sure to let her
9 finish the question.

10 Q It happens all the time. Goes against
11 like normal conversation, but for the sake of our
12 court reporter, try and do that. So you've
13 mentioned a couple of times today the joining or
14 merger of different schools and a reorganization,
15 can you just explain what happened, the merger of
16 the three schools?

17 A I'll try.

18 Q Okay.

19 A So apparently it was a concept that's
20 been talked about for several decades, in fact,
21 to take the three different schools at the
22 university that were accredited as business
23 schools and merge them together. So the School
24 of Hotel Administration, the Graduate School of
25 Management, and the Dyson Undergrad School of

1 Economics and Applied -- Applied Economics and
2 Management. So those were the three schools that
3 were accredited through AACSB, which is the body.
4 They made the announcement in December of '15
5 that this college would launch in July of '16.
6 There was no plan, there was no consultant, there
7 was nobody familiar with mergers, acquisition
8 kind of stuff. They said form some task forces
9 and figure it out. It was a very chaotic time.
10 All three schools had staff and departments in
11 certain functions and so they were thrown
12 together and people had new managers, they were
13 moved to different locations, they were in new
14 jobs, so very few people had accurate job
15 descriptions, and we had to, you know, recreate
16 policies and procedures, and platforms, and IT
17 systems and it was a blur.

18 Q Has the merger been completed as of
19 today's date?

20 A It's officially merged. There are still
21 lots of changes going on. More and more things
22 are being combined up at the central college
23 level. So staff are being removed from the
24 school that they used to report to, so diversity
25 inclusion and student services and some of the

1 phase II kind of work. So initially it was your
2 administrative functions and then it's moving
3 into student services.

4 Q Okay. At the time that Ms. Payne was
5 offered the data analyst role, was there a set
6 job description for that role for her?

7 MR. PENCE: Object to form, asked and
8 answered, but --

9 A Yeah, there wasn't an official job
10 description. It was -- I think I listed five
11 bullets, if you will, of what -- what we thought
12 the -- the role would be. The business analytics
13 team was brand new and they were figuring out
14 what -- what the roles were going to be and what
15 the work needed.

16 Q Okay. At the time that the offer was
17 made to Ms. Payne what was the understanding of
18 what that role would be, what she would be doing?

19 MR. PENCE: Object to form.

20 A So rankings and surveys I think was one
21 of the things that I think they were hoping that
22 she would eventually learn and take on. There
23 were a platform or an application called activity
24 insight, which captures all of the faculty
25 information on what their activity was, where

1 they're publishing and that kind of thing. So
2 she was helping in that software. General
3 querying of databases and helping, you know, pull
4 reports together.

5 Q Anything else?

6 A That's what I remember.

7 Q Okay. And who would Ms. Payne be
8 reporting to?

9 A Initially it was Cindy Allen and then
10 Cindy put Tammy Lindsay in charge of a couple
11 other people.

12 Q For how long was Ms. Payne reporting to
13 Ms. Allen before Ms. Lindsay was put into place?

14 A I don't recall exactly. I want to say a
15 couple of months maybe.

16 Q Do you recall when Ms. Lindsay assumed
17 the role of being Ms. Payne's supervisor?

18 A Not exactly, no.

19 Q Okay. Was Ms. Lindsay a new hire to the
20 university at the time, or had she worked for the
21 university already?

22 A She had worked for the university for a
23 good number of years. I want to say ten-ish, but
24 I'm not exactly sure.

25 Q Okay. Okay. I'll show you what's been

1 previously marked as Defendant's Exhibit 9. It's
2 just the offer letter. I'll just have you take a
3 look at that and let me know when you've had a
4 chance to do so.

5 A Okay.

6 Q Okay. Have you ever seen this before?

7 A I have.

8 Q Okay. This appears to be Ms. Payne's
9 offer letter from you dated September 23rd, 2016;
10 is that correct?

11 A That is correct.

12 Q Okay. And it starts with Dear, Denise,
13 on behalf of Cindy Allen, do you see that?

14 A Uh-huh.

15 Q Did you discuss the substance of this
16 offer letter with Ms. Allen?

17 A Yes.

18 Q Okay. Did you -- did you draft this
19 offer letter, or did Ms. Allen, or someone else?

20 A I did.

21 Q Okay. You testified that Ms. Payne was
22 placed in a pay band E for the data analyst role,
23 correct?

24 A That's right, yep.

25 Q And that was the lowest pay band for that

1 role?

2 MR. PENCE: Object to form. I don't
3 think that's what the witness said.

4 A No, so she was placed at the minimum of
5 that title, which there are multiple titles in
6 each pay band and so each one has a minimum
7 market rate and a max.

8 Q Do you know what the max pay band was for
9 that title?

10 A I don't.

11 Q At the time that Ms. Payne was made the
12 offer, provided the offer letter, did she discuss
13 with you the compensation arrangement?

14 A I don't recall a lot of discussion about
15 it.

16 Q Did she ever discuss with you her being
17 placed at the band E level?

18 A It would've been part of the offer. I'm
19 not sure there was much discussion.

20 Q Are you aware of any -- strike that. At
21 any point in time that Ms. Payne was in the data
22 analyst role did she ever complain to you about
23 being compensated at a pay level E or pay band E?

24 A Her complaints were about being at the
25 minimum of the E band.

1 Q How many times did she complain about
2 being at the minimum of the E band?

3 MR. PENCE: To her?

4 MS. VINCI: Yes.

5 A I had one personal discussion with her a
6 year after. I'm aware that when the pay bands
7 shifted in July she fell below the new minimum
8 and she brought that to Julie's attention and we
9 corrected that.

10 Q Sorry. When the pay bands shifted?

11 A So central compensation does a market
12 analysis survey work every spring and if
13 warranted, the market has shifted, they change
14 the pay bands as of July 1. And apparently that
15 happened in the data analyst role.

16 Q And you said she brought that to the
17 attention of Ms. Weaver and you guys fixed that?

18 A Uh-huh.

19 Q What did you do to fix it?

20 A Brought her back up to the new minimum.

21 Q Okay. Going back to the personal
22 discussion that she had with you. You said it
23 was about a year after, a year after what?

24 A After she started in the role she
25 declined a meeting that Laura Syer set up because

1 she didn't know what the content or purpose was
2 and asked me if I knew. And I said, yes, I can
3 tell you about that. And so she came in and we
4 discussed a couple of things, but one of which
5 was her disappointment at the pay.

6 Q And what did she express to you as to why
7 she was disappointed in the pay? What was
8 disappointing her?

9 A She felt like she had years of experience
10 at the university that we were not considering
11 and that she should not have been at the minimum.

12 Q And what was your response to that?

13 A I said that I would look at it again and
14 we discussed the fact that she had -- because she
15 was only working part time, she was put in an
16 hourly position when she would've been eligible
17 for exempt or salaried based on that particular
18 role and title. And because of that she had to
19 use her HAP time, health and personal, for all
20 missed work. And I had said I would look into
21 possibly reinstating the little bits of HAP she
22 had to use for a doctor's appointment here or
23 there.

24 Q Do you recall how much HAP time you
25 looked into potentially reinstating for her at

1 that time?

2 A It actually ended up being maybe four
3 hours or so of HAP and a fraction of an hour on
4 vacation.

5 Q And were you able to reinstate any of
6 that time for her?

7 A Unfortunately, no. We made the proposal
8 to Laura Syer to increase her pay and to give
9 back that time and Laura felt like there was, at
10 that point, too much uncertainty about the role
11 and the future of the department, and Denise's
12 performance that she'd rather not at that point
13 make the adjustments.

14 Q Okay. Did Ms. Syer say to you that she
15 did not want to make those adjustments because of
16 this?

17 A (Witness Nodded Head.)

18 Q Did she --

19 A She actually said it to Julie Weaver.
20 Julie was the one that talked to Laura.

21 Q Okay. And then did you speak to Ms.
22 Weaver about Ms. Syer's decision?

23 A Yes.

24 Q Okay. Okay.

25 MS. VINCI: If we can just take a

1 quick five minute break.

2 MR. PENCE: Sure.

3 (OFF THE RECORD.)

4 Q Ms. Doxey, before the break we were
5 discussing a meeting you had with Ms. Payne, I
6 believe you said about a year after she assumed
7 the data analyst role where she discussed her
8 dissatisfaction at her pay band level; do you
9 recall that?

10 A I do.

11 Q Okay. And you testified that you were
12 aware of a conversation between Ms. Weaver and
13 Ms. Syer regarding Ms. Syer's decision not to
14 change Ms. -- Ms. Payne's pay level and also not
15 to reimburse or reinstate some HAP time.

16 MR. PENCE: Objection. I believe
17 that mischaracterizes the testimony, but
18 that --

19 MS. CROSS DORN: There's no question
20 pending.

21 MR. PENCE: Okay. Well, still, it's
22 -- mischaracterizes, but go ahead.

23 Q All right. So I'll rephrase. I believe
24 before the break you had testified that Ms.
25 Weaver told you about Ms. Syer's decision related

1 to reimbursing or reinstating some HAP time for

2 Ms. Payne; is that correct?

3 A That is correct.

4 Q Okay. And at that time Ms. Syer, to your

5 understanding, was -- there was too much

6 uncertainty about the role and the department, so

7 she determined not to reinstate the HAP time; is

8 that accurate?

9 A Denise was in an non-exempt position, an

10 hourly position, which means that you would have

11 to account for all hours of the day, so if you

12 don't work, you have to use your health and

13 personal or your vacation. Because she was not

14 in an exempt position, which she had wanted to

15 be, but was not put in at an exempt position. In

16 an exempt role you wouldn't have had to use tiny

17 bits of time to fill up your day, you're paid for

18 the work that you do, and the result's not your

19 time. So Denise kept wanting to be put in an

20 exempt role, which requires, you know, a level of

21 discretion and decision making and there was, you

22 know, not the security that Denise was handling

23 all of her time off requests and communication to

24 be put in that exempt role.

25 Q When you say there was not the security

1 that Denise was handling her time off requests,

2 we'll start with that, what do you mean by that?

3 A A lot of the friction, as I understand

4 it, between Denise and Tammy and Cindy was she

5 wasn't following their direction on how to record

6 or ask for time off, how to put it on the

7 calendar, how to give proper notice in advance

8 when she knew it.

9 Q And how were you aware of this friction

10 between Denise and Tammy and Lindsay? Or Tammy

11 and Cindy, I'm sorry.

12 A Yeah. Denise would frequently e-mail

13 about her happiness about how she felt Tammy was

14 treating her, and correcting her timecard, and

15 not allowing her to work from home, and --

16 Q When you say frequently, how frequently

17 would she e-mail with, let's start with you

18 personally about that?

19 A She I don't think ever e-mailed me alone

20 directly. I was copied on many things. So most

21 of her communication was with Julie and I was

22 copied. So aware from a high level standpoint,

23 but I wasn't involved in the daily discussions

24 and e-mails and phone calls.

25 Q Okay. How often would she e-mail Julie

1 copying you regarding this issue with Ms.

2 Lindsay?

3 A I'm not sure.

4 Q Okay. Was -- do you know how many times

5 overall she e-mailed about this issue that you

6 were copied on?

7 A At least several.

8 Q What do you consider several times?

9 A I don't know, maybe once a month over the

10 year, year and a half.

11 Q Okay. Did you ever discuss Ms. Payne's

12 complaints in these e-mails or concerns in these

13 e-mails with her?

14 A I did not speak to her directly on any of

15 this until that meeting in, I think it was

16 September, when she wanted to know what the

17 meeting was about with Laura.

18 Q Okay.

19 A So all of her communications around her

20 frustrations were with Julie.

21 Q Okay. Did you ever speak to Ms. Weaver

22 about Ms. Payne's frustrations, as you've termed

23 them?

24 A In our usual, you know, one-on-one

25 meetings.

1 Q Okay.

2 A And --

3 Q Sorry, go ahead.

4 A So it would be weekly meetings about all
5 of her clients and Denise, you know, and
6 everybody would come up occasionally.

7 Q And what did you and Ms. Weaver discuss
8 regarding Denise's frustrations in these e-mails?

9 A Julie would go back to either Tammy or
10 Cindy and/or Denise trying to get them to be on
11 the same page, if you will. Denise and -- I
12 mean, Cindy and Tammy were managers who did
13 things by the books. They were, you know, tough
14 managers for, you know, demanding. They weren't
15 wrong in what they were doing as far as following
16 policy. And Denise, I think, was looking for a
17 little more flexibility and freedom to do what
18 she wanted from a scheduling standpoint.

19 Q When you say that Tammy and Cindy were
20 not wrong in what they were doing by the policy,
21 what were they doing that was not wrong?

22 A One of the things that, excuse me, Denise
23 complained about was that Tammy would correct her
24 timecard. So Denise would put more of the HAP
25 time on than she had and so Tammy would take it

1 off. Or Denise wanted to, said she wanted to
2 work from home and Tammy would say that you
3 didn't get that pre-approved, or you're too ill
4 to work in the office so you're probably too ill
5 to work at home, so go home and rest and take
6 care of yourself.

7 Q Are you aware of the concept of a
8 flexible work arrangement?

9 A I am.

10 Q Or work agreement.

11 A Uh-huh.

12 Q That is something offered to employees at
13 Cornell; is that correct?

14 A It is, yes.

15 Q Can you explain in your own words what
16 that is, what those arrangements are?

17 A The employee can request to either work
18 compressed work, or work in a different location,
19 or work a different schedule and there's a
20 specific form that gets filled out once the
21 supervisor and the employee agree to what will
22 work from a business standpoint and the employee
23 standpoint and things are documented on hours and
24 location.

25 Q And you're -- are you aware that Ms.

1 Payne was on a -- had a flex work arrangement
2 with Cornell?

3 A Three different ones, I believe, yes.

4 Q Okay. Did you -- have you ever seen
5 those agreements?

6 A Yes.

7 Q Okay. Did you see them at the time that
8 they were being negotiated and -- and signed
9 while Ms. Payne was working for Cornell?

10 A No, I wasn't involved in the drafting of
11 them or the signing of them.

12 Q Okay. Is HR involved at all in the, I'll
13 call it the negotiation of those agreements
14 between the employee and their respective
15 supervisor?

16 MR. PENCE: Object to the form. You
17 may answer.

18 A Not always. If things are straight
19 forward or can be worked out between the
20 supervisor and the employee, HR doesn't need to
21 get involved, but we certainly can.

22 Q Okay. And you said, I believe, you were
23 not involved in negotiating or drafting Ms.
24 Payne's work agreements?

25 A No.

1 Q Okay. Do you know if anyone from HR was?

2 A Julie was.

3 Q Do you know why Julie was involved in Ms.

4 Payne's work arrangements, or work agreements

5 rather?

6 A I think Denise felt more comfortable

7 having somebody else involved. Denise -- I mean,

8 Cindy and Tammy felt like they wanted people

9 available even from home on very specific hours,

10 and so Julie would help comprise on, no, I think

11 she can start earlier or work later if need be

12 with the work that she does.

13 Q Do you know if Julie was involved in all

14 three of Ms. Payne's work agreements?

15 A I believe so.

16 Q Do you recall or do you know when the

17 first work arrangement was signed?

18 A I think it was shortly after she had

19 gotten back from leave, so I want to say January,

20 but I'm not entirely sure.

21 Q And you just mentioned a leave, she went

22 on -- she meaning Ms. Payne --

23 A Yeah.

24 Q -- went on a medical leave in the fall of

25 2016, do you recall that?

1 A Yes.

2 Q Do you recall the span, the time span
3 that she was out?

4 A I believe she was out for several months.
5 I want to say October, November, December.

6 Q Okay. So looking back to Exhibit 9,
7 which is the offer letter. So this offer letter
8 states that the role would be effective September
9 19th, 2016; do you see that?

10 A Uh-huh, yep.

11 Q And that she would be in kind of this
12 traditional role in working two positions until
13 December 31st, 2016; do you see that?

14 A Uh-huh.

15 Q Okay. Is that a yes?

16 A Yes.

17 Q Okay.

18 A Sorry.

19 Q For the time period that Ms. Payne was on
20 medical leave, was anybody hired to cover the two
21 roles that she was supposed to have been
22 performing?

23 A No.

24 MR. PENCE: Object to form, but --

25 Q Do you know what -- what the arrangement

1 was that Ms. Payne ultimately came to with Ms.

2 Lindsay and Ms. Allen related to her flex work

3 agreements, what the agreement was?

4 MR. PENCE: Sorry, which one?

5 MS. VINCI: The first one, sorry, the

6 first one.

7 A Originally there was just an

8 understanding that oh, sure, you can take

9 whatever time you need, but I believe the first

10 formalized one was allowing her to work earlier

11 or later. I don't remember the details.

12 Q Did you ever discuss with Ms. Lindsay any

13 of the arrangements in the flex work agreements

14 with Ms. Payne?

15 MR. PENCE: All three or just --

16 MS. VINCI: Yep.

17 MR. PENCE: -- one in particular?

18 Q At any point in time did you discuss the,

19 for lack of a better word, the accommodations to

20 Ms. Payne in any of her work flex agreements?

21 MR. PENCE: Object to form, but you

22 may answer.

23 A Not specific to the flex arrangement

24 forms themselves. The discussion -- you know,

25 most of these again were between Julie and Tammy,

1 but the discussion I was involved in was after
2 Denise had come back from leave. She'd worked a
3 while on Memorial Day. She let us know that she
4 didn't get the right holiday pay, that she got
5 six hours instead of eight hours and we said,
6 well, that's correct for a 30 hour employee, and
7 she said, oh, no, I'm full time now. So we were
8 not aware that she had moved back to full time
9 status as of April. So we got the holiday
10 corrected and that's when we talked to Tammy
11 about now that she's back to full time, she would
12 be eligible to be exempt and they said, well, we
13 have some concerns about whether she is working
14 the hours she is supposed to be, that she's using
15 the flex arrangement appropriately versus for
16 longer lunches or bank runs or, you know,
17 personal things instead of the medical situation.
18 And they were starting to be concerned about some
19 -- her not being in the office enough to train to
20 have enough work to give her and some data entry
21 accuracy.

22 Q Was that the first time that Ms. Lindsay
23 had brought those concerns to your attention?

24 A Yes.

25 Q Okay. And was it just Ms. Lindsay or did

1 you also speak with Ms. Allen?

2 A It was Ms. Allen, Ms. Lindsay, Julie and
3 myself.

4 Q Okay. And was this in one specific
5 meeting that you had --

6 A Yes.

7 Q -- all together?

8 A Uh-huh.

9 Q When was that meeting?

10 A I want to say June. I don't remember the
11 exact date.

12 Q Okay. And how did that meeting come to
13 be? Did they reach out to -- did someone reach
14 out to you, or did you reach out to Ms. Lindsay
15 or Ms. Allen?

16 A Julie arranged it because she wanted to
17 talk about now that she was back to full time,
18 should we consider moving Denise to exempt.

19 Q Where did that meeting take place?

20 A I want to say it was in the ground floor
21 conference room at SHA, hotel school.

22 Q How long was that meeting for?

23 A I don't recall. An hour maybe.

24 Q I just want to go through one by one the
25 concerns that you mentioned being brought up to

1 you during the meeting. So you said that there
2 was a concern expressed by Ms. Lindsay about Ms.
3 Payne misusing her time or misusing her
4 flexibility in time under the arrangement; is
5 that accurate?

6 A Yes.

7 Q And what did Ms. Lindsay say to you about
8 that during the meeting?

9 A She felt like the flex arrangement was
10 sometimes perhaps being taken advantage of. That
11 she was -- Denise was taking longer lunches with
12 colleagues, that she was doing banking on lunch
13 times, that she was moving maybe, that there were
14 things that she was doing using the flex
15 arrangement for not medical means.

16 Q Did Ms. Lindsay indicate how often she
17 believed this was happening?

18 A I don't recall her saying specifically.

19 Q Did Ms. Lindsay provide any proof that
20 the times that she believed were being used for
21 non-medical use were -- or non-medical reasons
22 were actually used for non-medical reasons?

23 MR. PENCE: Object to form.

24 A I'm not sure how she came to that
25 conclusion. That was just what she told us.

1 Q Okay. Okay. Did Ms. Allen say anything
2 about that?

3 A I don't recall what her comments were, if
4 any.

5 Q And what, if anything, was your response
6 to that to Ms. Lindsay?

7 A We encouraged her to talk to Denise again
8 about asking in advance per the guidelines they
9 had already laid out, and what the flex
10 arrangement was for and to discuss any
11 performance or accuracy issues they had with her.

12 Q So you just said you encouraged Ms.
13 Lindsay to speak to Ms. Payne again. Are you
14 aware of any conversations between Ms. Lindsay
15 and Ms. Payne regarding Ms. Payne's, or the
16 perception that Ms. Payne was misusing the
17 flexibility in her time?

18 A It was more how Tammy was very specific
19 in how she wanted Denise to let her know when she
20 was going to be taking advantage of the flex
21 arrangement. She wanted Denise to put it on her
22 -- on Tammy's calendar and she kept neglecting to
23 do that with her. Whether she forgot, or didn't
24 want to, or didn't know how to, I'm not sure, but
25 that was a repeated concern.

1 Q I believe you also mentioned that during
2 this meeting there was also a concern about Ms.
3 Payne not being in the office?

4 A (Witness Nodded Head.)

5 Q Is that a yes?

6 A Yes.

7 Q Okay.

8 A For training purposes and so they wanted
9 her to take over surveys and rankings and to do
10 that she had to sit with another member of the
11 team. And so by working remotely that made that
12 difficult to get the training done to transfer
13 the work.

14 Q Who brought this concern to your
15 attention during that meeting?

16 A Tammy would've.

17 Q And what was your response, if any, to
18 this concern brought about by Tammy -- brought up
19 by Tammy?

20 A I don't recall honestly. Other than, you
21 know, we had multiple conversations about you
22 need to -- to lay out what you need from a
23 business standpoint, but you also need to be
24 reasonable in what she is able to do physically
25 and if the training can't happen in person, could

1 it be by e-mail, could it be by phone.

2 Q Did you have any opinion as to whether
3 Ms. Lindsay's -- what she was requesting of Ms.
4 Payne was reasonable or not?

5 MR. PENCE: Object to form.

6 A I don't know the work well enough to know
7 whether she could have done all of it remotely.
8 We do understand that, you know, people need to
9 be available for phone calls or for questions
10 during the work hours.

11 Q So is it fair to say you didn't -- did
12 not have an opinion on whether or not what was
13 being asked of Ms. Payne was reasonable?

14 MR. PENCE: Object to form.

15 A I think the letting them know in advance
16 when she had appointments, notifying them how
17 they wanted to be notified, those were all
18 reasonable.

19 Q Did you ever discuss these concerns that
20 Ms. Lindsay and Ms. Allen brought to your
21 attention with Ms. Payne?

22 A Not personally, no.

23 Q Do you know if Ms. Weaver did?

24 A I believe so.

25 Q And what is the basis for that belief?

1 A Conversations Julie and I would have just
2 updating on issues across her clients.

3 Q Okay. And did she express to you during
4 these conversations that she spoke with Ms. Payne
5 regarding the concern that she was misusing the
6 flexibility in her time?

7 A I don't recall if she had that
8 conversation directly with Denise.

9 Q Okay. And during your conversations with
10 Ms. Weaver did she ever indicate that she spoke
11 to Denise about the concern over her not being in
12 the office often enough?

13 A I think most of my recollection of what
14 Julie would talk to Denise about is how to record
15 or how to communicate her time off or her
16 scheduling needs. And that when she was too ill
17 to stay in the office because she didn't feel
18 well, that it wasn't unreasonable for us to say
19 then take some health and personal time and go
20 rest, but if you can't work in the office, I'm
21 not sure why you could work at home. What the
22 difference would be if you have a headache or
23 heart palpitations or whatever. So those were
24 some of the conversations she had with her.

25 Q Okay. And do you know what Ms. Payne's

1 response was to Ms. Weaver during those
2 conversations?

3 A I'm not -- not being there, I don't know
4 exactly, no.

5 Q Okay. After the, I believe you said the
6 June 2017 meeting with Ms. Allen and Ms. Lindsay,
7 did Ms. Allen or Ms. Lindsay ever bring up these
8 concerns again to your attention regarding Ms.
9 Payne's performance?

10 A Not in a meeting, not directly to me.

11 Q Okay. Do you -- sorry are you finished?

12 A Yep.

13 Q Okay. Do you know if they brought these
14 concerns up again to Ms. Weaver?

15 A By virtue of the fact that there were
16 several flex agreements, I'm assuming there was
17 some continued discussions about scheduling
18 needs.

19 Q Okay.

20 A But I don't know the specifics of it.

21 Q Okay. Did Ms. Payne ever raise concerns
22 with you regarding how Ms. Lindsay was acting in
23 light of the flex agreements?

24 A Only by copying me on e-mails.

25 Q And were those the e-mails that you

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1 referred to earlier about Ms. Lindsay taking time
2 off of her timecard and --

3 A Uh-huh.

4 Q -- not allowing her -- or not approving
5 her requests to work from home?

6 A Yes.

7 Q Okay. Did there come a time where Ms.
8 Payne advised you she believed she was not -- her
9 disability was not being accommodated or she was
10 not getting accommodations?

11 A Yes, she had been I believe encouraged by
12 Julie several times that if she felt that way
13 after multiple versions of a flex arrangement
14 that she should file a formal request for
15 accommodations with the university.

16 Q Okay.

17 (EXHIBIT E MARKED FOR IDENTIFICATION.)

18 Q Ms. Doxey, I'm going to show you what's
19 been marked as Plaintiff's Exhibit E. I'll ask
20 you to take your time to review that. Let me
21 know when you've had a chance to do so.

22 A Okay.

23 MR. PENCE: Counsel, do you have the
24 attachment that is a part of this?

25 MS. VINCI: I do not unfortunately,

Katherine Doxey
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1 but I'm not going to be asking questions
2 about the attachment either.

3 Q Okay. Ms. Doxey, have you reviewed
4 Plaintiff's Exhibit E?

5 A Yes.

6 Q Have you ever seen this before?

7 A Yes.

8 Q Okay. This appears to be an e-mail chain
9 between yourself, Ms. Weaver, and Ms. Payne,
10 which begins with Ms. Payne reaching out to you
11 and Ms. Weaver regarding what she believed was a,
12 quote, lack of accommodation; do you agree with
13 that?

14 MR. PENCE: Object to form. The
15 document speaks for itself.

16 A Yes, that's what it says.

17 Q And at the top e-mail Ms. Weaver
18 indicates that she and you are, quote, slated to
19 meet with Tammy and Cindy late next week, do you
20 see that?

21 A That Julie and I --

22 Q Yep.

23 A -- are slated to meet, yeah.

24 Q Did you meet with Ms. Weaver -- with Ms.
25 Allen and Ms. Lindsay following this e-mail as

1 referenced by this e-mail here?

2 A I don't recall if there was a meeting

3 with the four of us. I only remember the one.

4 There was one in August that Denise was present

5 at, but --

6 Q Okay. So you recall the June meeting and

7 then a meeting in August we have yet to discuss?

8 A Right.

9 Q But you don't recall a meeting

10 specifically following this e-mail?

11 A Unless my timeline is off and that's the

12 one I'm thinking of, but I only remember two

13 meetings.

14 Q Okay.

15 A One without her and one with her.

16 Q That's fine. Okay. You had mentioned

17 that Ms. Weaver had encouraged Ms. Payne to seek

18 formal accommodations from the school?

19 A Uh-huh.

20 Q Do you know if Ms. Payne did that?

21 A She did eventually, yes.

22 Q Do you know when she began the process

23 for doing that?

24 A I believe it was July.

25 Q Okay. So July of '17?

1 A Yes.

2 Q Okay. How were you aware that she
3 started the process in July of 2017?

4 A I believe she told us by e-mail.

5 Q Okay. Did you have any involvement in
6 assessing her request for accommodations?

7 A No, that would've been done by the
8 medical leaves administration.

9 Q Okay. Do you know if anyone from HR
10 worked with the medical leaves administration
11 regarding her -- Ms. Payne's request for
12 accommodation?

13 A I believe Julie was in touch with Jill
14 Tubbs was her name.

15 Q And Ms. Payne was granted accommodations,
16 correct?

17 A Yes.

18 Q Do you recall what those accommodations
19 were?

20 A That I don't remember specifically what
21 it said, but basically she can have a flexible
22 arrangement to deal with medical appointments and
23 when she's not feeling well from treatments and
24 medications that she can work from home or work
25 the flex arrangement.

1 Q Do you recall when her request was
2 granted?

3 A I want to say late July maybe.

4 Q Okay. I might have a copy of this one.

5 I'll show you what's previously been marked as
6 Defendant's Exhibit 6. Just ask you to review
7 that and let me know when you've had a chance to
8 do so.

9 A Okay.

10 Q Okay.

11 A Uh-huh.

12 Q Have you ever seen this before?

13 A Yes.

14 Q Okay. When was the last time you saw it?

15 Well, strike that. Did you see this letter at or
16 around the -- the August 2nd date that is at the
17 top?

18 A Yes.

19 Q Okay. And this you would agree is the
20 letter to Ms. Payne approving her disability
21 accommodations at Cornell, correct?

22 A Yes.

23 Q You've mentioned not too long ago a
24 meeting in August that Ms. Payne was present for.
25 Was that meeting held before or after this

1 letter, if you can recall?

2 A After this letter, in response to this
3 letter to sit with all parties to make sure
4 everybody understood what Denise was asking for
5 and what the university approved and would
6 support.

7 Q Okay. Do you recall when in August that
8 meeting took place?

9 A Not specifically. It was very shortly
10 after this though (indicating).

11 Q Okay.

12 MS. VINCI: Just let the record
13 reflect the witness pointed to the exhibit.

14 Q Who attended that meeting?

15 A Julie Weaver, Denise Payne, Cindy Allen,
16 Tammy Lindsay and myself.

17 Q Okay. And correct me if I'm wrong, the
18 meeting was to understand the accommodations that
19 had been approved for Denise; is that accurate?

20 A That is accurate.

21 Q Okay. Was anything else discussed at
22 that meeting?

23 A We were getting an explanation from
24 Denise as to what her specific needs are. This
25 letter doesn't say anything different than what

1 some of the previous flex arrangements said, so
2 we were specifically trying to outline what are
3 the hours that she can work. And Tammy and Cindy
4 were trying to understand the why of it. Denise
5 wanted to be able to work from very early in the
6 morning and they were trying to say we need you
7 to work 8:00 to 4:30 and so we were trying to
8 come to a compromise, or to an understanding of
9 Denise's situation and that the medication she
10 was on would sometimes, you know, give her
11 insomnia or, you know, she slept later because
12 she couldn't sleep, or she was feeling ill or
13 whatever, so it was a conversation about the
14 specifics of why she was asking. There was
15 discussion about she wanted to leave early a
16 couple of days to go to a chiropractor and we
17 weren't sure whether that was specific to her
18 treatment and condition, so I remember saying we
19 would touch base with Jill in medical leaves who
20 would reach out to the doctor and confirm that
21 that was part of the necessary treatment.

22 Q During this August meeting did -- do you
23 recall Ms. Lindsay expressing that she was
24 unhappy about having to accommodate Ms. Payne?

25 MR. PENCE: Object to form.

1 A I don't think she said she was unhappy.
2 She was trying to understand why and she was
3 relaying her need for why she wants Denise to be
4 available during the business hours so that she
5 can connect with other people and answer any
6 questions and get training, et cetera.

7 Q During this meeting did Ms. Lindsay ever
8 indicate that she believed enough accommodations
9 had been given to Ms. Payne?

10 MR. PENCE: Same objection.

11 A I don't recall her saying that.

12 Q During this meeting did Ms. Lindsay
13 question why she had to be there?

14 A Why Tammy had to be at the meeting?

15 Q Yes.

16 A I don't recall that, no.

17 Q During the August meeting did Ms. Lindsay
18 ask that the accommodations be changed or revised
19 in any way?

20 MR. PENCE: Object to form.

21 A I mean, it was a give and take
22 conversation, so --

23 Q I'll withdraw the question. I'll
24 rephrase it. During the August meeting did you
25 at any point agree to go back to the medical

1 leaves office to reassess whether the
2 accommodations were necessary?

3 A The piece about the chiropractic and
4 needing to leave several days early to go to this
5 and how long that would be for.

6 Q Did you follow up with medical leaves on
7 that?

8 A Julie did.

9 Q Okay. Do you know what the decision was
10 regarding that?

11 A I believe it was deemed part of her
12 treatment and she was allowed to leave at 3:30 I
13 think.

14 Q Okay. During the August meeting besides
15 discussing her need for accommodations, did Ms.
16 Payne say anything else about how -- about
17 working with Ms. Lindsay?

18 A I'm not sure what you're asking.

19 Q Okay. During the August meeting did Ms.
20 Payne ever complain that Ms. Lindsay was not
21 giving her the accommodations she had been
22 approved of -- for?

23 MR. PENCE: Object to form.

24 A I mean, that was the purpose of the
25 meeting, is to clarify that and to make sure

1 everybody knew this was approved, we had to
2 follow this and let's figure out what that means,
3 so I'm not sure.

4 Q Okay. So at the August meeting did Ms.
5 Payne ever express that prior to the meeting she
6 had, in her perception, been denied
7 accommodations by Ms. Lindsay?

8 MR. PENCE: Object to form. The
9 document seems to suggest that the
10 accommodations were approved August 2nd.
11 When would she have been complaining about
12 a period of time?

13 MS. VINCI: Before August 2nd.

14 MR. PENCE: When there were no
15 accommodations approved?

16 MS. VINCI: When there was a flex
17 arrangement. So I'll rephrase.

18 Q At the August meeting did Ms. Payne ever
19 express that she -- that Ms. Lindsay had not
20 allowed her the flexibility she was granted in
21 her prior work arrangements?

22 A I think she felt like there were times,
23 as well as Tammy feeling like there were many
24 times when Denise didn't need it or didn't follow
25 the rules, so there was some back and forth.

1 Q Okay. Following the August meeting, were
2 there any changes, aside from specifying what the
3 accommodations were, rather than just the general
4 list in the letter --

5 A Uh-huh.

6 Q -- but determining what would work for
7 all of the parties? Were there any other changes
8 to Ms. Payne's work structure?

9 MR. PENCE: Object to form, vague.

10 Q Did there come a time where Ms. Lindsay
11 stopped supervising Ms. Payne?

12 A Yes.

13 Q Okay. When did that happen?

14 A I don't remember specifically on what
15 date. I'm thinking September-ish.

16 Q Okay. And why was that?

17 A There obviously was some friction between
18 the two and it became clear that Tammy wanted to
19 work from home as well and the college was in
20 discussions with leadership about flex
21 arrangements for managers in general. And the
22 dean at the time, and Laura Syer talked to all
23 managers and said the college's philosophy is
24 that managers may only work one day remotely,
25 that they needed to be in the office in order to

1 properly supervise people. And so Denise -- or
2 not Denise. Tammy moved quite a distance away
3 and wanted a remote work arrangement herself that
4 was more than one day. And so we gave her the
5 option, do you want to stay as a manager? In
6 which case you have to be in the office; or do
7 you want to step out of management and keep the
8 arrangement? And that's what she chose.

9 Q Okay. So is it fair to say that Ms.
10 Lindsay stopped supervising Ms. Payne because she
11 chose to step out of a manager role?

12 A Yes.

13 Q At the time that Ms. Lindsay stopped
14 supervising Ms. Payne who took over as Ms.
15 Payne's supervisor?

16 A Cindy Allen.

17 Q For how long did Ms. Allen supervise Ms.
18 Payne after Ms. Lindsay?

19 A It wasn't very long because Cindy took
20 another job and moved to the engineering college.
21 I would guess a month, maybe a little longer.

22 Q And who replaced Ms. Allen?

23 A Then both Tammy and Denise would report
24 to Laura Syer.

25 Q Do you know if Ms. Lindsay retained any

1 oversight over Ms. Payne after she stepped down
2 from the manager's role?

3 MR. PENCE: Object to form, but you
4 may answer.

5 A Since Denise was doing surveys and
6 rankings that are very crucial to the school,
7 Tammy was still overseeing some of her work, a
8 second set of eyes before we submitted these
9 rankings to all the parties that do these things,
10 business, financial times, et cetera.

11 Q How was it communicated to Ms. Payne that
12 Tammy would no longer be supervising her?

13 A Not the way I would have expected. At
14 the meeting I referred to earlier Laura Syer had
15 scheduled a meeting to talk about the new
16 structure. And so when I was explaining to
17 Denise what the agenda of the meeting was or what
18 my understanding of what was going to happen, I
19 told her thinking she already knew that she was
20 going to report to Cindy and not to Tammy any
21 longer.

22 Q Okay.

23 A So I guess I was the one that told her.

24 Q And that was during the meeting you
25 testified earlier to, which happened about a year

1 after --

2 A Uh-huh.

3 Q -- Ms. Payne assumed the data analyst

4 role; is that right?

5 A Right, that's right.

6 Q Okay. Are you aware of any issues Ms.

7 Payne had with Ms. Lindsay still overseeing some

8 of her work after she had stepped down from the

9 manager's role?

10 A I imagine she wasn't happy about it, but

11 I don't know that she had a specific concern

12 other than why is she still looking at my work, I

13 thought she wasn't my supervisor.

14 Q Did she ever ask you why Ms. Lindsay was

15 still looking at her work?

16 A I believe she asked Laura by e-mail who

17 said we need two sets of eyes on this stuff and

18 as associate dean she had a much broader scope

19 and lots of complicated stuff to be dealing with.

20 She couldn't supervise day-to-day details so she

21 needed somebody else to look at stuff too.

22 Q After Ms. Lindsay stepped down from the

23 manager's role was she still reviewing Ms.

24 Payne's timecard?

25 A I believe that she sent Laura a snap

1 shot, a picture of the timecard because Laura
2 couldn't initially get into the system. We
3 hadn't fixed that in Workday and so Laura asked
4 Tammy could you please send me a picture of her
5 timecard so I can approve it.

6 Q Okay. Do you know if Ms. Payne ever
7 complained about Ms. Lindsay doing that?

8 A I think she did.

9 Q And what do you base that on, that belief
10 that she did?

11 A I think she sent Laura or -- by e-mail,
12 it was most of her communication, I believe we
13 saw it by e-mail and then I verified with Laura
14 that, you know, you've approving time cards,
15 right? And she said yes.

16 Q There came a time when Ms. Payne's
17 employment with the university ended, correct?

18 A Yes.

19 Q Okay. Why did Ms. Payne's employment
20 with the university end?

21 A During the summer of '17 Chris Barrett,
22 who was dean of academic affairs, was rearranging
23 his departments and wanted to take over
24 management of some of the databases that this
25 business analytics group was working on. So some

1 of the members of the team had already shifted
2 under Chris and so some of that work shifted, and
3 so Denise and Tammy and Cindy were left in this
4 business analytics department. When Cindy said
5 she was leaving, you know, it kind of made Laura
6 stop and pause. She had been trying to work with
7 each of the deans of the three schools, was there
8 data analytics or decision making or key
9 performance indicator kind of work that they
10 could do to support the group because a lot of
11 the work shifted. And while there was
12 possibilities there, it required somebody of a
13 higher level like Cindy to oversee that and to
14 work directly with the deans on what they needed.
15 When Cindy gave her notice, Laura felt like there
16 wasn't enough work and enough of a high level
17 experienced supervisor to oversee anything that
18 might be left. So they had basically half of
19 what Denise's role was, which was the surveys and
20 rankings and half of what Tammy was doing, the
21 key performance indicators and so the thought was
22 that they would put those together into one job.
23 The university requires, has a process for
24 layoff, which is what we were moving towards and
25 so all of these kind of proposals go into a web

1 based tool where you have to describe the team
2 and all the members and their demographics. You
3 have to write a rationale for, you know, the
4 changes and where the work is going and what the
5 proposal is. It then gets reviewed by workforce
6 diversity inclusion, by policy and labor
7 relations, by counsel's office and so that
8 proposal went forward to basically eliminate the
9 business analytics team, which meant, you know,
10 Cindy was already gone, but taking Denise's --
11 what was left of Denise's job and what was left
12 of Tammy's job and combining it into one role
13 that was in between the two bands at an F level
14 and shift it under Chris Barrett's role.

15 Q Okay. When did Ms. -- strike that. Do
16 you know how Ms. Payne was notified that she was
17 being laid off?

18 A It was in a meeting with Laura Syer and
19 I, I believe it was on December 1st of 2017.

20 Q What was Ms. Payne's reaction to the news
21 that she was being laid off?

22 A She wasn't surprised frankly. In fact, I
23 think she said I'm not surprised. I think she,
24 from my assumption is that, you know, there
25 wasn't a lot of work coming at them at that

1 point.

2 Q Okay. Did you discuss the possibility of
3 new positions at Cornell with Ms. Payne at that
4 time?

5 A We told her there was going to be the new
6 role created under Chris Barrett and that she was
7 welcome to apply for that, as well as anything
8 else that the college had open.

9 Q And what was her reaction to hearing
10 about this new role under Mr. Barrett?

11 A I think she indicated that she was going
12 to apply for it.

13 Q Do you know if she actually did apply?

14 A She did.

15 Q Okay. Do you know if she was ever
16 interviewed for that position?

17 A She was.

18 Q Okay. Do you know who interviewed her?

19 A It would be a guess at this point. I
20 think Julie was on the panel, Amanda Shaw, who
21 would've been the hiring manager. I don't recall
22 who else was on --

23 Q How were you aware that Ms. Payne applied
24 for and was interviewed for this role?

25 A All of the requisitions are in Workday,

1 which is the university's HRIS. So as
2 transactions and applicants come in, you know, I
3 have a queue that I see stuff, as well as
4 conversations with Julie.

5 Q Did you have a discussion with Ms. Weaver
6 about Ms. Payne's interview for the role?

7 A It would've been just status on where
8 it's at. I did not get into details about, you
9 know, comments from the people who interviewed.

10 Q Was Ms. Payne offered the role?

11 A No.

12 Q Do you know why not?

13 A They had another candidate that had a
14 whole lot of experience in education doing this
15 kind of thing and was a better candidate.

16 Q Do you recall that candidate's name?

17 A Kate Odinario (phonetic) I believe.

18

19 Q Do you know how to spell that last name?

20 It's okay if you don't.

21 A No.

22 Q Okay. Do you know if Ms. Payne has ever
23 worked for Cornell since her layoff?

24 A I don't believe so.

25 Q Do you know if she applied to any other

1 positions at Cornell after her layoff?

2 A I think she applied to another one at the
3 college, which would've been under Beth Fox.

4 Q And are you aware of that application the
5 same as you were the other application for the
6 role with --

7 A Yeah, tangentially, yeah.

8 Q Do you know if she was interviewed for
9 that second position?

10 A She was.

11 Q Do you know who sat on her interview
12 panel?

13 A No. Other than Beth Fox, who would be
14 the hiring manager.

15 Q Okay. And she was not offered that
16 position either, correct?

17 A No.

18 Q Do you know why she was not offered that
19 position?

20 A Other than a more qualified candidate.

21 Q Do you know what the title of that
22 position was?

23 A I'm not sure what the title was.

24 Q Okay. Do you know who was ultimately
25 hired for that position?

1 A Michelle Buckholz I believe.

2 Q Did Ms. Lindsay continue to work for
3 Cornell following her layoff?

4 A She was hired into a part-time six month
5 role helping get ready for reaccreditation.
6 Every five years the AACSB does a huge process
7 and they send a team to visit, and there's tons
8 and tons of documentation and preparation for
9 that, and Tammy had been through that before at
10 the hotel school and so they asked her to help.

11 Q When you say they asked her to help, do
12 you know who specifically asked her to stay on?

13 A Cathy Enz who was the associate dean of
14 affairs at hotel initially, but all three schools
15 had to do similar work, so I think she ended up
16 helping the other schools as well. So Vishal
17 Gaur and maybe, I don't know if it was Harry
18 Kaiser over at Dyson, but similar kind of
19 preparation that each of the schools had to do.

20 Q Okay. And when did that part-time six
21 month role take place; was it immediately after
22 her layoff, some time later?

23 A A couple months later, maybe March.

24 Q And after that part-time position ended
25 has Ms. Lindsay worked for Cornell University

1 again, to your knowledge?

2 A Not to my knowledge, no.

3 Q Okay. Have you spoken to Ms. Lindsay
4 after her employment with Cornell ended, meaning
5 after that six month period?

6 A I have not.

7 Q Okay.

8 MS. VINCI: Can we take like five
9 minutes? I think I'm pretty much wrapped
10 up but --

11 (OFF THE RECORD.)

12 Q Just one small thing to go over. Who is
13 Shawn Varma?

14 A Shawn used to work in the policy and
15 labor department. I don't believe he does
16 anymore, but he was a consultant there.

17 Q Okay. And would that be the office of
18 workforce policy?

19 A Yes.

20 Q Okay. And what is the office of
21 workforce policy?

22 A So they are -- deal with all of the union
23 contract negotiations. They write and revise
24 policies and so are consultants to managers, HR
25 folks and employees on policy issues.

1 Q Okay. Are you aware of any discussions
2 between Ms. Payne and Mr. Varma regarding her
3 work with Ms. Lindsay?

4 A I believe Shawn was involved in the
5 question of her performance dialogue, which is
6 the university's term for performance evaluation,
7 documentation. That she wanted reference to her
8 medical leave removed from her performance
9 dialogue.

10 Q Okay. Was any reference to Ms. Payne's
11 medical leave removed from her performance
12 dialogue?

13 A Yes.

14 Q Okay.

15 A So the university's process is that the
16 employee does a self evaluation first and then
17 the manager does hers. And Denise had mentioned
18 it herself, so the manager, Tammy at the time,
19 also made reference to it, but it was sent back
20 and both were removed.

21 Q Okay.

22 MS. VINCI: I have no further
23 questions.

24 MR. PENCE: We have no redirect, but
25 we'll reserve and sign.

Katherine Doxey
December 16, 2019

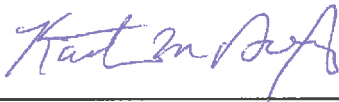
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A F F I D A V I T

STATE OF NEW YORK

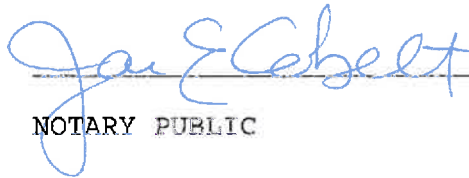
COUNTY OF Tompkins

I have read my deposition, and the
same is true and accurate, save and except for
changes and/or corrections, if any, as indicated
by me on the ^{6 pages of} correction sheets attached hereto.



KATHERINE DOXEY

SUBSCRIBED AND SWORN TO before me this
23rd day of January, 20 20.


NOTARY PUBLIC

JAMIE E. CORBETT
Notary Public, State of New York
Qualified in Tompkins County
No. 01CO6228473
My Commission Expires 7/20/2022

My commission expires on _____.

ERRATA SHEET

Page No. 4 Line No. 13 Was Catherine
Should Read Katherine

Page No. 4 Line No. 25 Was I'm sorry.
Should Read I'm sorry - I was thinking of the EEOC complaint

Page No. 5 Line No. 14 Was Shawn
Should Read Sean

Page No. 9 Line No. 9 Was general, and then the termination letter
Should Read job, and then the lay off letter.

Page No. 16 Line No. 8 Was observation
Should Read vacation

Date: 1/23/20 Signature: Karl M. [Signature]

page 1 of 6

ERRATA SHEET

Page No. 17 Line No. 12 Was own

Should Read

support

Page No. 20 Line No. 29 Was request

Should Read

requested

Page No. 21 Line No. 3 and 25 Was shackell-Dawell and shackell

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Shackell-Dawell

Page No. 25 Line No. 1 Was its impacts of

Should Read

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Page No. 29 Line No. 7 Was Usually specific

Should Read

Yes, specific

Date: 1/23/20

Signature: Kent M. Daff

ERRATA SHEET

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Page No. 32-33 Line No. 25-2 Was Dyson Ungrad School of Economics and Applied

Should Read
Dyson School of Applied

Page No. 33 Line No. 3 Was AACSB

Should Read
Association to Advance Collegiate Schools of Business

Page No. 34 Line No. 23 Was were

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Page No. 38 Line No. 12 Was Survey work

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Survey

Date: 1/23/20

Signature: Harold M. Byrd

ERRATA SHEET

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Page No. 42 Line No. 22 Was security

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Date: 1/23/20

Signature: Paul G. [Signature]

ERRATA SHEET

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Page No. 72 Line No. 18 Was scope

Should Read

scope of responsibilities

Page No. 73 Line No. 11-12 Was or -- by, it was

Should Read

an email as was

Page No. 74 Line No. 11 Was was

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were

Date: 1/23/20 Signature: Karl M. Hoff

Page 5 of 6

ERRATA SHEET

Page No. 77 Line No. 1 Was HRIS

Should Read

Human Resources Information System

Page No. 77 Line No. 17 Was Odimacio

Should Read

Addonizio

Page No. 79 Line No. 1 Was Buckholz

Should Read

Buckholtz

Page No. 80 Line No. 19 Was Shawn

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Shan

Page No. Line No. Was

Should Read

Date: 1/23/20 Signature: Karl M. Ruff

Katherine Doxey
December 16, 2019

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1 STATE OF NEW YORK

2 COUNTY OF CHEMUNG

3 I, Caitlyn A. Shaylor, do hereby certify

4 that before the taking of the deposition, the said

5 witness was by me first duly sworn to testify

6 to the truth, the whole truth and nothing but the

7 truth and that the above deposition was recorded by

8 me in stenotype and reduced to typewriting under my

9 supervision.

10 I further certify that the said

11 deposition constitutes a true record of the

12 testimony given by said witness to the best of my

13 ability.

14 I further certify that the said

15 deposition was taken before me at the time and

16 place specified in the notice.

17 I further certify that I am not a

18 relative or employee or attorney or counsel of any

19 of the parties, or a relative or employee of such

20 attorney or counsel or financially interested

21 directly or indirectly in this action.

22

23

24

25

CAITLYN A. SHAYLOR

Katherine Doxey
December 16, 2019

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I N D E X

Witness	Examination By	Pages
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E X H I B I T S

Letter	Description	Page
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E	E-mail chain	58

Katherine Doxey
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